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Attorney for Plaintiff
SUSIE JOHNSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUSIE JOHNSON,

Plaintiff,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; KENT CHIU; BRANDAN
TANG; ROLAND LAM; CYRIACUS
NZEREM; MATTHEW GRANEY; and
DOES 1-50, inclusive.

Defendants.

CASE NO.: C11-1259-EDL

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING CASE WITHOUT
PREJUDICE TO REILING IN SAN
FRANCISCO SUPERIOR COURT**

STIPULATION

Plaintiff Susie Johnson, through counsel, and Defendants Regents of the University of California, Kent Chiu, Brandan Tang, Roland Lam, Cyriacus Nzerem, and Matthew Graney, through counsel, (hereafter collectively referred to as the "Parties") hereby stipulate as follows:

1. The Parties hereby stipulate and agree to the dismissal by this Honorable Court of this action, without prejudice to Plaintiff re-filing the case, in materially the same form as the one filed herein (the caption may reflect the change of venue), in the Superior Court of California in and for the County of San Francisco ("Superior Court").

2. The Parties further stipulate and agree that the filing of this action tolled any causes of action, and said causes of action may be filed in Superior Court, notwithstanding the fact that they may ultimately be filed more than two years after the subject incident. The Parties further

1 stipulate and agree that no party shall contest, dispute, challenge or raise the issue of Plaintiff's
2 re-filing of this matter in the Superior Court following dismissal by this Court on the ground that
3 such subsequent filing was untimely or in violation of any statutes of limitations, statutes of
4 repose or any other similar time limits for the filing of an action, whether legal or equitable, and
5 that with regard to the statute of limitations of any claims re-filed by Plaintiff in Superior Court
6 pursuant to this stipulation, Defendants waive any defenses based on the statute of limitations.

7 3. The Parties further stipulate and agree that Plaintiff has relied on this stipulation, and
8 the representations contained herein, to the effect that Defendants will not challenge the
9 timeliness of her re-filing of this action in Superior Court, notwithstanding the fact that the
10 action will be re-filed more than two years after the date of the subject incident, and that said
11 reliance was material in Plaintiff's decision to enter into this stipulation to the dismissal of this
12 action without prejudice.

13 4. The parties further stipulate and agree that by entering into this stipulation, the parties
14 are not waiving any rights or objections based upon the Eleventh Amendment to the United
15 States Constitution.

16 5. The parties further stipulate and agree that, by entering into this stipulation, no party
17 waives the right to object to or challenge the assignment of a judicial officer assigned to this
18 matter.

19 6. The parties further stipulate and agree that, by entering into this stipulation, no party,
20 or counsel for any party, is asserting or stipulating that this matter is at issue or that service of a
21 named party and/or entity is accomplished as a result of entering into this stipulation.

22 7. The parties further agree that signatures obtained via e-mail or facsimile shall be
23 deemed to have the same effect as originals, and that this stipulation may be signed in
24 counterparts with the same force and effect as though each of the parties had signed the same
25 original document.

1 **So Stipulated.**

2 Dated: May 25, 2011

LAW OFFICE OF JOSEPH S. MAY

3
4 /s/ Joseph S. May

5 JOSEPH S. MAY, Attorney for Plaintiff
6 SUSIE JOHNSON

6 **So Stipulated.**

7 Dated: May 25, 2011

HASSARD BONNINGTON, LLP

8
9 /s/ R. Wesley Pratt

10 By: R. WESLEY PRATT, Attorney for
Defendants

11 Pursuant to General Order 45, §X(B), the
12 filer of this document attests that he has
13 received the concurrence of this signatory to
file this document.

14 **~~PROPOSED~~ ORDER**

15 Pursuant to the foregoing Stipulation of the Parties, it is HEREBY ORDERED that this
16 matter be and hereby is DISMISSED WITHOUT PREJUDICE.

17 Plaintiff may re-file the action in the Superior Court of California for the County of San
18 Francisco within 30 days of the entry of this order, as the statute of limitations as to any claims
19 filed herein have been so tolled by the filing of the instant action. *See* 28 U.S.C. §1367(d).

20
21 IT IS SO ORDERED.

22
23
24 DATED: May 26, 2011

25 
ELIZABETH D. LAPORTE
United States Magistrate Judge